

REMARKS/ARGUMENTS

Claim 7 has been cancelled and new claim 33 has been added to the present specification so that claims 1-6 and 8-33 now are presented in the application.

Claims 1 and 27 have been objected to because the phrase "such that gravity exerts a downward force on the first fluid" seems superfluous. This objection is respectfully traversed. Claims 1 and 27 have been drafted in accordance with 35 U.S.C. section 112, second paragraph. The claim language is both "particular" and "distinct" and is technically accurate. Thus, there is no need nor any requirement to make stylistic changes.

Claims 1, 2, 4, 5, 7, 8, 9, 12-21, 23, 25-29 and 32 stand rejected under section 102 as being anticipated by Shepard, U.S. 2,961,335. This rejection is respectfully traversed.

The Shepard reference discloses a device for applying heat-fusible coatings on objects and uses oxygen and fuel to feed powder to a flame which thereafter coats the object.

To be a proper rejection under section 102, a reference must disclose every limitation of the claim.

Independent claim 1 has been amended to require that the cartridge contains a first "liquid" and that in the sprayer body there is a conduit for receiving a second "liquid" and that there is a movable valve structure that moves between at least three discrete positions including a first position enabling the first and second liquids to flow through the valve structure and to mix to form an outlet stream which flows through the valve structure; a second position enabling the second liquid only to flow through the valve structure and blocking the flow of the first liquid through the valve structure, and a third position blocking the first and the second

liquids from flowing through the valve structure. Clearly, none of these claimed elements are disclosed in the cited Shepard reference.

Likewise, independent claim 19, as amended, contains each of the above discussed limitations required by claim 1 and, therefore, includes the same elements which distinguish the claimed subject matter over the cited Shepard reference.

Independent claim 27 also requires that the cartridge contains a first "liquid" and that there is a conduit in the sprayer body for receiving a second "liquid." . Claim 27 further requires a "rotatable valve structure coupled to an actuator and the conduit" with the rotatable valve structure and the actuator being movable between at least two positions including a first position for allowing the first and the second liquids to flow and a second position for allowing the second liquid to flow and for blocking the first liquid from flowing. Once again, none of these claimed elements are disclosed in the cited Shepard reference.

In addition, rejected dependent claims 2, 4, 5, 8, 9, 12-18, 20, 21, 23, 25, 26, 28, 29 and 32 include various additional limitations over their respective independent parent claims which are not disclosed in the Shepard reference and further distinguish thereover.

Accordingly, since the Shepard reference does not teach all of the limitations of the rejected independent and dependent claims herein, the Examiner is respectfully requested to reconsider the rejection based on Shepard and indicate allowance.

Claims 1, 2, 4, 6-9, 14, 15, 17, 19, 20, 22, 23, 27, 28 and 30 are rejected under section 102 based on Tryon, U.S. 5,727,736. This rejection is respectfully traversed.

The Tryon reference discloses a paint sprayer using compressed air flow to carry the paint from a container.

In accordance with the distinguishing features pointed out above with regard to the Shepard reference, the Tryon reference also does not teach all of the limitations found in independent claims 1, 19 and 27 herein or their respective dependent claims. For example, Tryon does not teach the use of two liquids nor of the at least two and/or three position valve structure as claimed herein. Also, as claimed herein, the metering orifice in the spraying device provides a "predetermined amount of the first liquid into the valve structure to achieve a predetermined ratio of the first liquid to the second liquid in the outlet stream." Tryon's front plate 78 is located downstream of the mixing location 56 and therefore is not involved in forming any ratio of paint to air. The mix has already occurred.

In addition, rejected dependent claims 2, 4, 6, 8, 9, 14, 15, 17, 20, 22, 23, 28 and 30 include various additional limitations over their respective independent parent claims which are not disclosed in the Tryon reference and further distinguish thereover.

Accordingly, since the Tryon reference does not teach all of the limitations of the rejected independent and dependent claims herein, the Examiner is respectfully requested to reconsider the rejection based on Tryon and indicate allowance.

Claims 1-5, 7-9, 14-17, 19-21, 27-29 are rejected under section 102 based on Sweeney, U.S. 813,254. This rejection is respectfully traversed.

Sweeney discloses a paint sprayer using compressed air as a carrier for the paint. As stated above regarding the other paint sprayer patent references, Sweeney does not disclose two liquids nor the at least two and/or three position valve structure which are limitations in independent claims 1, 19 and 27 herein. Applicants also take issue with the comment in the Office Action regarding the statement in the Sweeney reference that "air or other fluid" is inclusive of water. Using water with a paint sprayer would dilute the paint to such an extent as

to be unusable. Paint sprayers are always used with compressed air or conceivably some other compressed gas, but its teaching to one skilled in the art would not include water. To encompass water, a specific prior art reference must be cited.

In view of the above comments, the Examiner is respectfully requested to reconsider the rejection based on Sweeney and indicate allowance.

Claims 1, 2, 4, 5, 7-11, 14-17, 19-21, 23, 24, 27-29 and 31 are rejected under section 102 based on Bitsakos, U.S. 5,069,389. This rejection is respectfully traversed.

The Bitsakos reference discloses an adapter to convert an air pressure operated paint spray device to a gravity feed sprayer.

The Bitsakos reference does not teach the use of two liquids nor is there any disclosure of the at least two and/or three position valve structure. As mentioned above, to be a proper 102 reference, the Bitsakos reference must disclose every limitation found in the claims. In view of the above, the Examiner is respectfully requested to reconsider the rejection based on Bitsakos and indicate allowance.

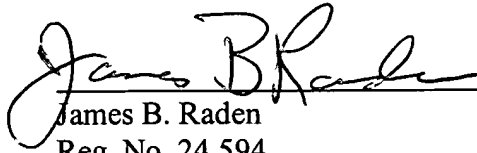
Various of the dependent claims includes additional limitations over their respective independent parent claims which are not disclosed in the Bitsakos reference and further distinguish thereover.

Accordingly, since the Bitsakos reference does not teach all of the limitations of the rejected independent and dependent claims herein, the Examiner is respectfully requested to reconsider the rejection based on Bitsakos and indicate allowance.

A Fee Determination Record and a check in the amount of \$50.00 for inclusion of one additional new dependent claim are enclosed herewith. It is believed that no further fees are due in regard to this application, however, applicant hereby authorizes the Assistant Commissioner to charge our Deposit Account No. 10-1202 for any additional fees which may be required by this paper.

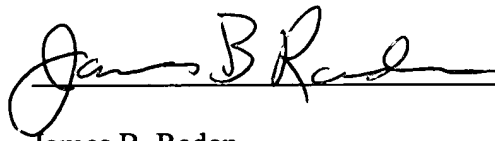
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Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service on December 14, 2004 with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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